

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Petition of )  
MINNESOTA PUBLIC RADIO )

RM-\_\_\_\_\_

For Amendment of §73.202(b) )  
Table of FM Allotments )  
to Add Channel \*223C2 at )  
Buhl, Minnesota )

MM Docket No. \_\_\_\_\_

To: Chief, Allocations Branch,  
Policy and Rules Division, Mass Media Bureau

PETITION FOR RULEMAKING

Minnesota Public Radio ("MPR"), by its attorneys and pursuant to Section 1.401 of the Commission's Rules, hereby petitions for rulemaking to amend the Commission's Table of FM Allotments (Section 73.202(b) of the Rules) to add Channel \*223C2 to Buhl, Minnesota, and reserve the channel for noncommercial educational use. This would be the first radio service allocated to that community.

As detailed in the attached engineering analysis prepared by Doug Vernier, Channel \*223C2 may be assigned consistent with the FCC's spacing requirements as provided in Section 73.207 of the Rules.

Buhl, Minnesota, is a community of 915 people and is recognized by the United States Census Bureau. Therefore, Buhl may serve as the city of license.

Although Channel 223C2 is not in the reversed portion of the FM band, MPR requests that the channel be reserved for

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noncommercial educational use. MPR acknowledges that commercial channels generally are not reserved for noncommercial use. However, the Commission has recognized exceptions to this policy where channels in the reserved portion of the FM band are not available due to Canadian or Mexican allotments and where the use of a reserved channel potentially could cause interference to television operations on VHF Channel 6.<sup>1</sup>

In the present case, both foreign allotments and Channel 6 interference problems prevent allocation of a reserved channel to Buhl, Minnesota. The availability of reserved channels is limited due to Canadian allotments. As a result of these allocations and Buhl's proximity to domestic noncommercial stations, only two channels in the reserved band, Channels 209 and 211, potentially could be allocated to Buhl consistent with Section 72.207 of the Rules. However, as demonstrated in the attached engineering study, operation from either of these channels would cause objectionable interference to WSUP-TV, Channel 6, Superior, Wisconsin. Thus, reservation of Channel \*223C2 would be the only way to

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<sup>1</sup> See Comobabi, Arizona, 47 Fed. Reg. 32717 (July 29, 1982) (Mexican allotment); Burlington and Newport, Vermont, 45 R.R.2d 786 (1979) (Canadian allotment); West Lafayette, Indiana, 3 F.C.C. Rcd 3625 (1988) (Channel 6); Duluth, Minnesota, 4 F.C.C. Rcd 3763 (1989) (Channel 6); Crozet and Dillwyn, Virginia, 6 F.C.C. Rcd 5159 (1991) (Channel 6).

provide Buhl, Minnesota, with its own noncommercial educational service.<sup>2</sup>

If the Commission assigns Channel \*223C2 to Buhl, Minnesota, MPR represents that it intends to submit an application for authority to construct and operate the new station. If MPR's application is successful, it intends to construct the facility.

Therefore, on the basis of the foregoing, MPR respectfully requests the Commission to amend the Table of FM Allotments by adding Channel \*223C2 to Buhl, Minnesota.

Respectfully submitted,

MINNESOTA PUBLIC RADIO

By: 

Richard J. Bodorff

Todd M. Stansbury

of

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1776 K Street, N.W.

Washington, DC 20006

(202) 429-7000

Its Attorneys

November 5, 1993

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<sup>2</sup> In addition, MPR notes that reservation of Channel \*223C2 as a noncommercial channel would further the public interest by ensuring that the scarce financial resources available to a not-for-profit entity, such as MPR, would be devoted directly to improving radio service rather than diverted to cover the cost of a protracted comparative hearing against commercial entities.



### **Engineering Statement:**

**September 20, 1992**

On behalf of Minnesota Public Radio of Saint Paul, Minnesota a frequency search of the non-commercial educational FM band was carried out using central city Buhl, Minnesota coordinates. This study revealed that while a channel was available<sup>1</sup>, use of either channel would cause interference to the reception of WSUP-TV (Superior, Wisconsin) at Buhl and Iron Junction. Since there are no other stations having the same network which are within a viewing distance and since viewers in the Buhl/Iron Junction area depend upon receipt of the station for their viewing and since use of an NCE channel having a regional coverage at Buhl is unacceptable under Section 73.525 of the Federal Communications Commission's rules and regulations, Minnesota Public Radio hereby requests the assignment of commercial channel 223 C2 to Buhl, Minnesota and that the allocation be declared for educational use.

Use of channel 223 at Buhl will facilitate a fully spaced class C2 channel the transmitter of which will provide the entire city of Buhl with the required 3.16 mV/m or better signal. The allocation would be the city's first local service.

Minnesota Public Radio intends to immediately apply for the channel once the allocation is made.

Page #2 and #3 of this statement is a channel study showing that the proposed allocation conforms to the Commission's spacing requirements as detailed in Section 72.207 of the rules.

Page #4 is a graphic and tabular study showing the proposed channel's usable transmitter site area.

Page #5 is a U.S.G.S. digital line map showing the area to locate.

Page #6 is a map of the 47 dBu F(50-50), grade B, signal contour of WSUP-TV. This map shows that Buhl is just at the edge of the station's grade B contour and that Iron Junction is just inside the grade B contour.

Page #7 is a statement of the qualifications of the preparer, Doug Vernier.

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<sup>1</sup> - Channel 209 or 211

DOUG VERNIER BROADCAST CONSULTANT  
1600 PICTURESQUE DR. CEDAR FALLS IA. 50613

Minnesota Public Radio  
New channel Proposal at Buhl

REFERENCE	CLASS C2	DISPLAY DATES
47 30 00 N		DATA 08-25-93
92 46 00 W	Current rules spacings	SEARCH 09-19-93
----- CHANNEL 223 - 92.5 MHz -----		

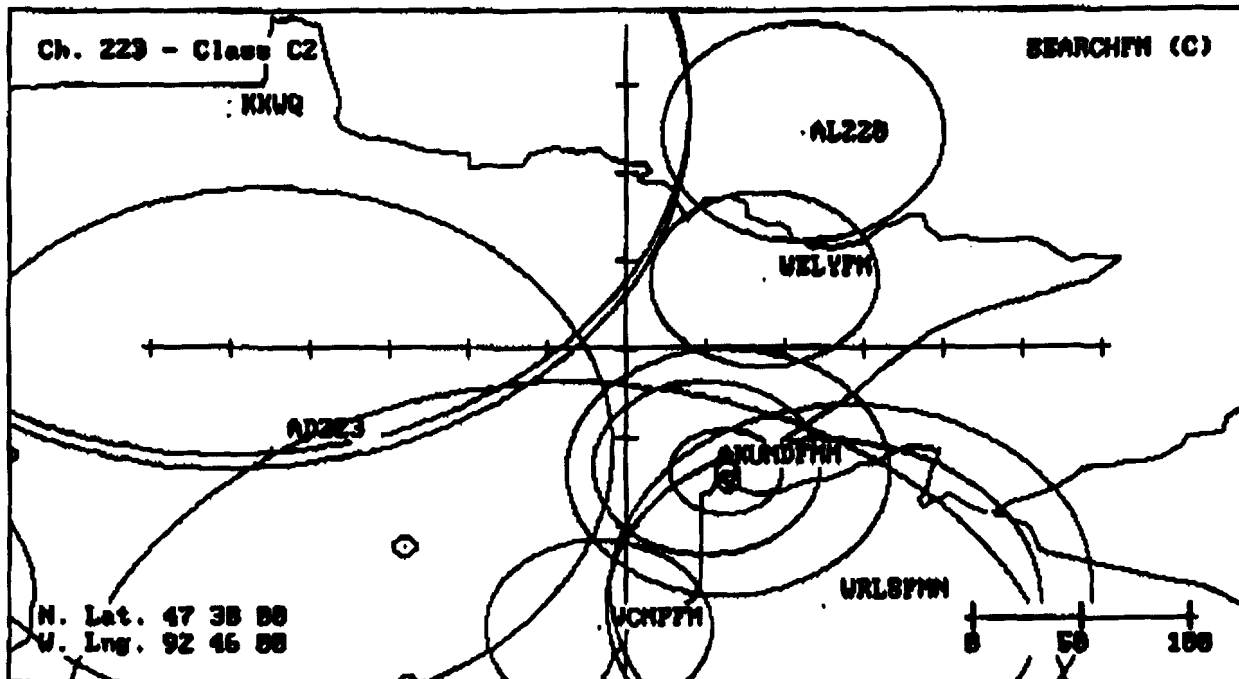
CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
WSCDFM	225C1	Duluth	MN	148.1	93.13	79.0	14.13
LI CN	46 47 20	92 07 04	70.000 kW	185M	57.9	49.1	
Minnesota Public Radio, Inc.					BLED871109KA		
>COMMERCIAL CHANNEL OPERATING EDUCATIONAL							
AD223	223A	Park Rapids	MN	249.7	185.11	166.0	19.11
AD	46 55 20	95 03 30	0.000 kW	OM	115.1	103.2	
Roger Paskvan					RM8314	930810	
KKWQ	223C1	Warroad	MN	307.1	244.59	224.0	20.59
LI CN	48 49 41	95 23 16	100.000 kW	141M	152.0	139.2	
Demolee Communications, Inc.					BLH890830KB		
KQRSFM	223C	Golden Valley	MN	185.8	272.80	249.0	23.80
LI CN	45 03 30	93 07 27	100.000 kW	315M	169.6	154.8	
KQRS, Inc.					BLH910814KB		
CP223	223C1	Warroad	MN	308.8	248.94	224.0	24.94
CP CN	48 54 09	95 22 37	100.000 kW	145M	154.7	139.2	
Demolee Communications, Inc.					BPH861002TI		
WELYFM	221A	Ely	MN	57.1	80.72	55.0	25.72
CPM CN	47 53 40	91 51 50	6.000 kW	100M	50.2	34.2	
BJL Broadcasting Corporation					BNPH911205IC		
>Specially -negotiated, short spaced channel							
AD221	221A	Hermantown	MN	152.7	85.92	55.0	30.92
AD	46 48 47	92 14 51	0.000 kW	OM	53.4	34.2	
Bruce F. Elving					RM8284	930621	
>PRM-Site Restriction 2 km Northeast-Canadian concurrence required							
KUMDFM	277C1	Duluth	MN	148.2	92.65	27.0	65.65
LI CN	46 47 31	92 07 21	95.000 kW	250M	57.6	16.8	
Regents of University of MN.					BLED860310KR		
>COMMERCIAL CHANNEL OPERATING EDUCATIONAL.							
ALOPEN	222C3	Hayward	WI	144.7	188.97	117.0	71.97
AL N	46 06 47	91 20 07	0.000 kW	OM	117.4	72.7	
>Proposed to Canada as B1 900423-Accepted 900702							

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1600 PICTURESQUE DR. CEDAR FALLS IA. 50613

## CLASS C2

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
-----							
>Effective 10-7-91-Reserved for WRLSFM per D89-620							
WRLSFM 222A	Hayward	WI	149.8	190.38	106.0	84.38	
LI CN 46 01 14 91 30 41		6.000 kW	98M	118.3	65.9		
Vacationland Broadcasting, Inc				BLH920710KB			
AL220 220A	Atikokan	ON	32.3	161.08	69.0	92.08	
AL 48 43 28 91 36 38		0.000 kW	OM	100.1	42.9		
WCMPFM 221A	Pine City	MN	184.7	178.24	55.0	123.24	
LI CN 45 54 07 92 57 25		3.000 kW	88M	110.8	34.2		
WCMP Broadcasting Co.				BLH7884			
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New channel Proposal at Buhl

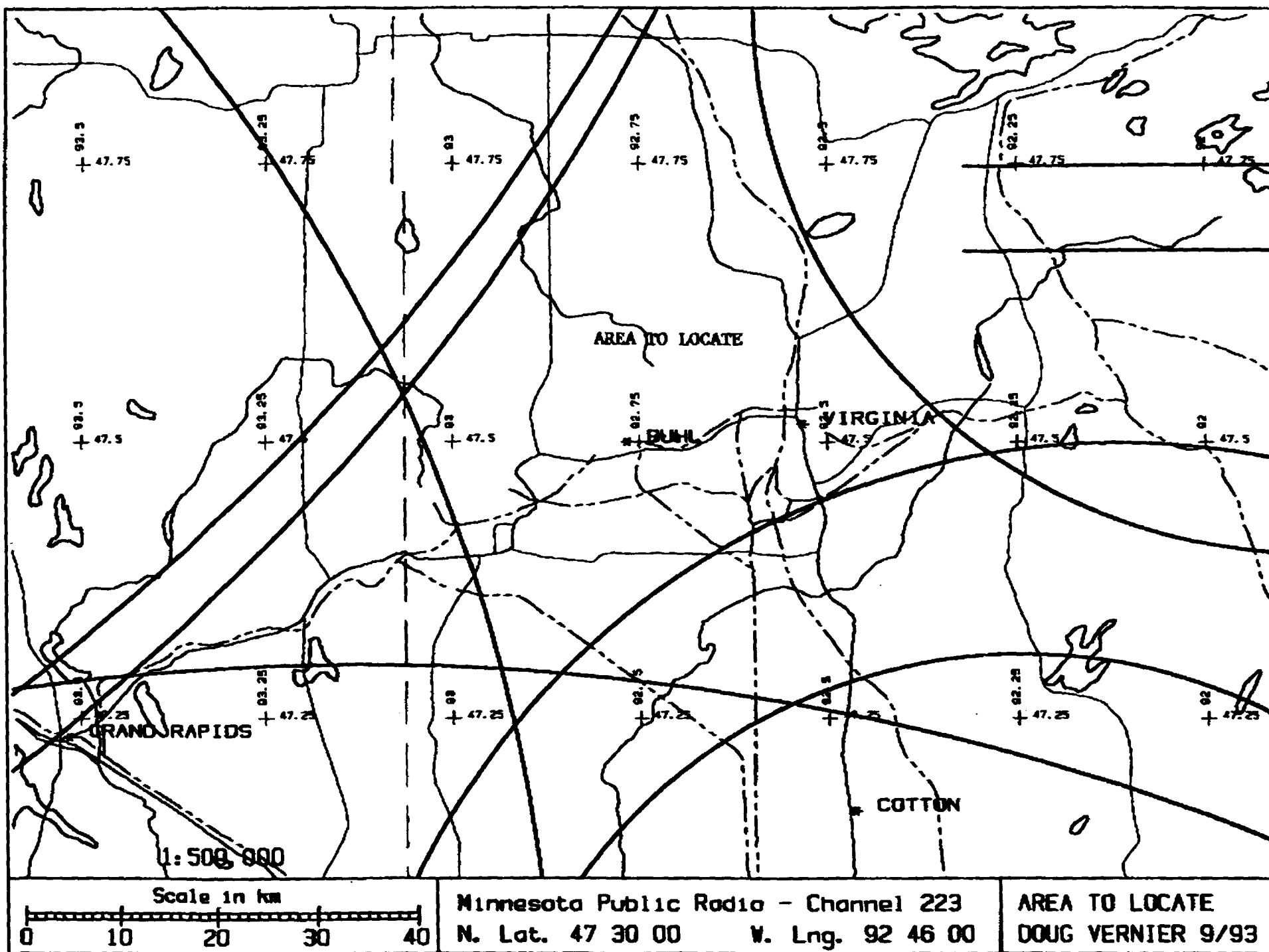
Search 09-19-93

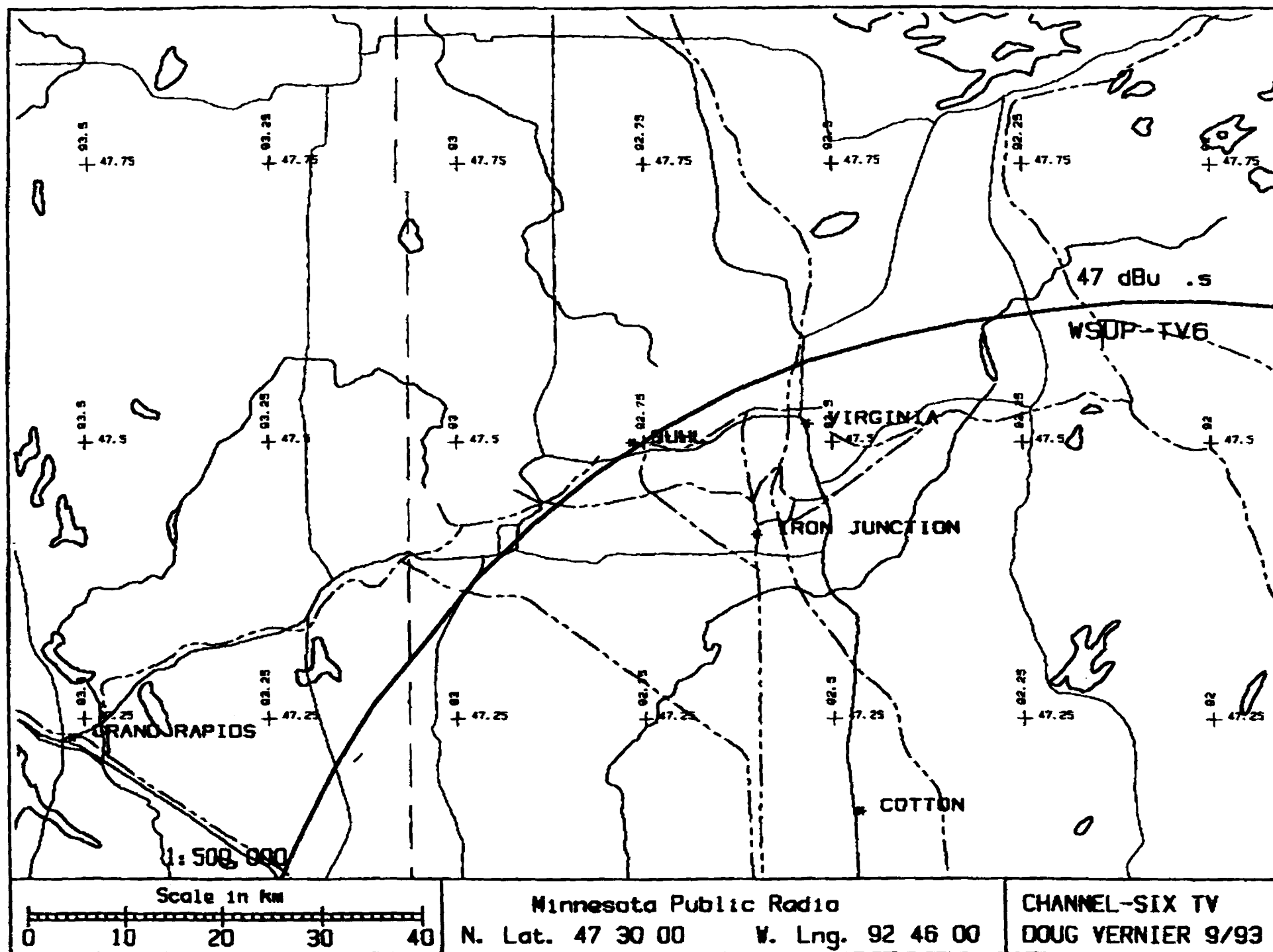
Data 08-25-93

Current rules spacings

CHANNEL 223 - 92.5 MHz

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
WBCDFM	225C1	Duluth	MN	148.1	93.13	79.0	14.13
AD223	223A	Park Rapids	MN	249.7	185.11	166.0	19.11
KKWQ	223C1	Warroad	MN	307.1	244.59	224.0	20.59
KQRSFM	223C	Golden Valley	MN	185.8	272.80	249.0	23.80
CP223	223C1	Warroad	MN	308.8	248.94	224.0	24.94
WELYFM	221A	Ely	MN	57.1	80.72	55.0	25.72
AD221	221A	Hermantown	MN	152.7	85.92	55.0	30.92
KUNDFM	277C1	Duluth	MN	148.2	92.65	27.0	65.65
ALOPEN	222C3	Hayward	WI	144.7	188.97	117.0	71.97
WRLSFM	222A	Hayward	WI	149.8	190.38	106.0	84.38
AL220	220A	Atikokan	ON	32.3	161.08	69.0	92.08
WCMPFM	221A	Pine City	MN	184.7	178.24	55.0	123.24





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**Statement of qualifications of the preparer:**

I, Doug Vernier, declare that I have studied engineering at the University of Michigan and received degrees from the University in Broadcast Telecommunications; that I have been active in broadcast consulting for over 20 years;

That, I am certified as a Professional Broadcast Engineer # 50258 by the Society of Broadcast Engineers, Indianapolis, Indiana.

That, I have held a Federal Communications Commission, First Class Radiotelephone License continually since 1964. In 1985, this license was reissued by the Commission as a lifetime General Radiotelephone license no. PG-16-16464;

That, my qualifications are a matter of record with the Federal Communications Commission;

That, I have been retained by the petitioner, Minnesota Public Radio of Saint Paul, Minnesota to prepare the attached application and the technical exhibits appended hereto;

That, I do swear that the technical information contained in same and the facts stated therein are true of my knowledge.



Douglas L. Vernier

September 20, 1993